



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET #SC2004-0002

January 28, 2004

Mark Maynard
Golden Corridor LLC/ Hampton Harbor Condominiums LLC
99 Wright Road
Hollis, NH 03049

RE: DES Wetlands Complaint File #2003-2529, Smith & Gilmore Pier, Town of Hampton Tax Map 295, Lots 63 and 64; Map 289 Lot 3; 123 Mill Pond Rd. Hampton

Dear Mr. Maynard:

The Department of Environmental Services ("DES") has conducted a review of historic materials relative to the above referenced property, more specifically referenced on Town of Hampton Tax Map 295 Lots 63 and 64, and Map 289 Lot 3 (the "Property"). The purpose of the review was to determine compliance of the dock with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the review DES personnel determined that the addition of unauthorized floats associated with jet ski rentals connected to the Smith & Gilmore dock was reported to DES in 2000. Documentation from the PDA Division of Ports and Harbors Hampton Harbormaster dated 7/24/03 details further expansion by addition of a T float on the end of the so-called "jet ski floats", and another complaint of float extensions referring to a series of 9 floats was received by DES on 8/1/03. Jones and Beach Engineers plans dated 11/14/03 and received by DES on 11/18/03, depict an L shaped float/finger extension to the main dock as an existing condition on plan sheet "C-1".

Analysis of aerial photography of the site spanning 1946 to the present clearly indicates that the grandfathered structure for this property consists of a long fixed pier to two approximately 18' x 20' floats which are connected together with a ramp. No permits were issued for the additional float system by the DES Wetlands Bureau.

DES requests that you take the following action:

1. DES field inspection on 11/14/03 finds that the float system had been removed. **Do not reinstall this float system.**
2. Shoreline frontage for this property calculated according to Wt 101.76, equals 450'. 450' will support no more than 7 slips, per Wt 402.14. Your options include:
 - a. Use and maintenance of the grandfathered structure as is; or
 - b. Removal of the existing legally grandfathered floats (which do not provide 7 slips), and apply to DES for a float configuration which complies with current design and slip count standard (maximum of 7 slips with maximum slip dimension of 8' x 25').

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RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator
Wetlands Bureau
Department of Environmental Services
360 Corporate Drive
Suite 2
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at the Pease Field Office at (603) 433-6183.

Sincerely,

COPY

Dori Wiggin
Supervisor

Wetlands Bureau-Coastal Region

DAW/dap

CERTIFIED MAIL #7003 1010 0003 3557 2654

cc: Rene Pelletier, Manager, Land Resources Management Program
Mark Harbaugh, DES Legal Unit
Kevin Schultz, Hampton Building Inspector
Hampton Conservation Commission
Jones & Beach Engineering
Glenn Normandeau, Pickering Marine